

# EXHIBIT 51

## MAO DECLARATION ISO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

DOCUMENT SOUGHT TO BE SEALED

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## **SENT BY E-MAIL**

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**Re: *Anibal Rodriguez, et al., v. Google LLC*, Case No. 3:20-CV-04688  
Custodians and Organizational Information**

Counsel,

In accordance with our February 3, 2021 agreement regarding RFP Set Three, enclosed here is information concerning Google employees and their responsibilities, titles, and managers surrounding the relevant issues identified in RFP Nos. 12-13. We are also identifying potential custodians whose ESI could be searched for responsive documents.

### **I. Custodians:**

As you know, it is Google's belief that Plaintiffs have some more work to do to explain the basis for their request for custodial ESI, and in particular how such ESI relates to elements of the claims and defenses in this case. Some of the parties' discussions have involved issues and claims that may not be viable after the pleading stage. Google reserves the right to amend its position as to custodial ESI depending on which claims, if any, survive its Motion to Dismiss.

This identification does not waive Google's objections to producing custodial ESI. There are several reasons why this case doesn't call for any significant production of custodial ESI. First, as noted above, the complexion of this case is in flux. It could be that the case is much narrower than Plaintiffs believe it is once the pleadings have been settled. That will impact the scope of production of custodial ESI.

Second, the nature of Plaintiffs' claims, in our view, doesn't implicate custodial ESI. Plaintiffs' claims each fall into the category of claims that rely on (1) how Google's products work, and (2) what Google told users about how its products work. Indeed, the central contention in Plaintiffs' First Amended Complaint is that a reasonable consumer would have understood Google's description of the Web & App Activity feature to encompass the collection of data that third party app developers voluntarily initiate for the purpose of measuring the performance of their own apps using a Google tool called Google Analytics for Firebase, even though those same app

developers are contractually required by Google to disclose that collection of data to their end users. These allegations implicate only the two questions identified above: what does Google say publicly, and what do its products do? Neither of those questions will be answered with individual employees' email. Non-custodial sources will demonstrate how Google's products work. And non-custodial public sources will demonstrate what Google says and has said about its products.

We have asked Plaintiffs to identify the elements of each claim and defense that they believe implicate custodial ESI, and why. Plaintiffs have refused thus far to provide that explanation, calling the need for custodial ESI in this case "self-evident." But we are not aware of any rule that custodial ESI must be produced in every case. To the contrary, we are aware of plenty of cases, including ones we've litigated, where custodial ESI played a very minor role or no role at all, since the core of the claims dealt with technical functionality, not the subjective thoughts of individual employees.

Without waiving these objections and the others made in Google's responses to Plaintiffs' document requests, Google has in good faith agreed, for the purpose of compromise alone, to identify a set of custodians that it believes would cover the waterfront of the issues in this case. Though Google believes none of these custodians' ESI will be relevant and non-duplicative, it identifies these individuals because, collectively, they have responsibility for the issues identified in the First Amended Complaint:

**Steve Ganem.** Mr. Ganem is a Product Lead for the Google Analytics for Firebase product, with responsibility for metrics. His business title is Senior Product Manager. By virtue of his responsibilities, Mr. Ganem is knowledgeable regarding the functionality of Google Analytics for Firebase and the Terms of Service and Use Policies relating to Google Analytics for Firebase.

**Francis Ma.** Mr. Ma is a product executive for Firebase SDK, and his business title is Director, Product Management. Mr. Ma is knowledgeable about and has had responsibility for Firebase SDK and the integration of Google Analytics with Firebase. Mr. Ma also have knowledge by virtue of his job responsibilities concerning how developers use Firebase SDK (from Google's vantage point) and the benefits that Firebase provides to the users of apps.

**David Monsees.** Mr. Monsees is a product manager for Web & App Activity. By virtue of his responsibilities, Mr. Monsees has knowledge regarding the collection and use of data by Web & App Activity, Google's disclosures to users relating to it, and Google's Privacy Policy as it relates to it.

Google believes these three custodians will yield more than sufficient custodial ESI to answer the factual questions that the First Amended Complaint implicates. To the extent Plaintiffs believe any further custodial ESI should be produced in this case, Google asks that Plaintiffs provide a counter-proposal that explains the names or types of custodians Plaintiffs seek, the elements of claims or defenses to which each such custodian relates, and the facts of consequence in this case that a production of ESI from each custodian would make more or less likely to be true.

## II. Employees with responsibility for Google Analytics for Firebase and Firebase SDK

Below, please find two tables that outline relevant parts of the organizational structure of the Google Analytics for Firebase and Firebase SDK teams. Google provides these names and information as a compromise; it does not waive its objection to the relevance of any of these individuals and/or their custodial ESI to any fact of consequence in this case.

Google Analytics for Firebase Team	Business Title	Role	Manager
1. Daniel Morenus	Software Engineer	Technical Leads: Android	Eric Burley
2. Lydia Kim	Product Ops & GTM	Go-To-Market: BD	Michael Kuo
3. Jon Simantov	Software Engineer	Technical Leads: C++	Rick Klein
4. Andrew Baldwin	Software Engineer	Technical Leads: Console	Kanupriya Singhal
5. Kalyan Reddy	Developer Programs Engineer	Dev Programs Engineer (DPE)	Rich Hyndman
6. Sumit Chandel	Developer Advocate	Developer Relations: Developer Advocate (DA)	Todd Kerpelman
7. Becky Chan	Program Manager	GTech	Unoose Ayoob
8. Brad Townsend	Software Engineer	Technical Leads: JS	Brian Kuhn
9. Annum Munir	Product Marketing Manager	Go-To-Market: Marketing	Laura Willis
10. Tal Ackerman	Product Marketing Manager, Ads Marketing, Google Marketing Platform	Go-To-Market: Marketing	Christian Ashlock
11. Steve Ganem	Senior Product Manager	Product Leads: Metrics	Russ Ketchum
12. Kevin Lam	Product Manager	Product Leads: PM	Steve Ganem

13. Eric Burley	Engineering Manager II - SWE	Technical Leads: SDK & iOS	Brian Kuhn
14. Kato Richardson	Developer Programs Eng - Firebase	Developer Relations: Support (SWAT)	Timothy Jordan
15. Greg Knoke	Technical Writer	Developer Relations: Tech Writer	Rich Hyndman
16. Rob DiMarco	Software Engineering Manager	Product Leads: TLM; Technical Leads: Backend	Derek Phillips
17. Anthony Maurice	Software Engineer	Technical Leads: Unity	Rick Klein
18. Gerrit de Vries	UX Design Manager	Product Leads: UXD	Beril Maples
19. Tim Thelin	Senior Staff Software Engineer	Product Leads: TLM	Nathan Moon
20. Yuan Zhuge	Software Engineer	Product Leads: TLM	Jun Luo

Firestore SDK	Business Title	Manager
1. Alisa Lemberg	User Experience Researcher	Josh Lane
2. Amber Heinbockel	Senior UX Designer	Josh Lane
3. David Poll	Software Engineer - Mountain View	Rohit Mungee
4. Derek Phillips	Engineering Director	Niraj Nagrani
5. Ben Ferrari-Church	Senior UX Researcher	Kristin Arnold
6. Francis Ma	Director, Product Management	Vishal Sharma
7. Grygorii Luchytsky	Manager, Software Engineer	Ganesh Ramamurthy
8. Hetal Thakkar	Senior Staff Software Engineer	Francesco Nerieri
9. Jerome Mourits	Engineering Manager	Derek Phillips
10. Josh Lane	UX Manager	Sara Ortloff
11. Kathryn Cullen	User Experience Research Manager	Josh Lane

12. Kristen Richards	Senior Product Manager	Francis Ma
13. Michael Kuo	Firebase Product Ops & GTM Strategy	Francis Ma
14. Laura Willis	Developer Marketing, Google Play	Mike Fyall
15. Mike Davies	Product Manager	Francis Ma
16. Osa Omokaro	Senior UX Researcher	Josh Lane
17. Rich Hyndman	Manager, Firebase DevRel	Timothy Jordan
18. Roman Nurik	Staff Interaction Designer	Josh Lane
19. Sean McCabe	Senior Program Manager, Firebase	Katrina Reid
20. Saurabh Singhal	Software Engineering Manager	Derek Phillips
21. Sachin Kotwani	Senior Product Manager	Francis Ma
22. Swetha Shantikumar	Product Strategy & Operations, Firebase	Francis Ma
23. Tali Sason	Software Engineering Manager, Coach, Cambridge Site Lead	Derek Phillips
24. Todd Hansen	Software Engineer	Tali Sason
25. Balachandar Krishnamoorthy	Software Engineer	Gaurav Bhaya

Sincerely,



Eduardo E. Santacana